

**Town of Lincoln**

**100 Old River Road, Lincoln RI**

**Zoning Board of Review**

**May 6, 2008 Minutes**

**Present: Raymond Arsenault, Gabriella Halmi, Kristen Rao, Arthur Russo, David Gobeille, Jina Karampetsos and Town Solicitor Anthony DeSisto**

**Excused: John Bart**

**Correspondence:**

**Anthony E. Perrotti, 10 Christopher Drive, Lincoln, RI – Dimensional Variance application for fence height relief from 6 feet to 4 feet surrounding an inground swimming pool.**

**AP 42, Lot 127 Zoned: RA 40**

**Applicant submitted letter to Board asking that his application be withdrawn. Applicant will install a 6 foot fence around inground pool.**

**Motion made by Member Karampetsos to accept withdrawal of the application. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Applications:**

**Dolores Guglielmi, 108 Orchard Meadows Road, Smithfield, RI – Request for extension of decision rendered on March 6, 2007 for property located on Lennon Road.**

**AP 42 Lot 81 Zoned: RA 40**

**Represented by: Mary Shekarchi, Esquire**

**Applicant has owned the property for 12 years and appeared before this Board in March of 2006 and received approval of an extension in March of 2007 (to expire March of 2008). Husband became ill and has not improved which has hindered going forward. Applicant has hired an architect and would like to start construction. They have received a freshwater wetlands permit and renewed same until September. Applicant would like one year extension of Decision to May 2009.**

**Chairman Arsenault read into the record Planning Board recommendation:**

**Members of the Technical Review Committee reviewed the submitted application for a time extension of a dimensional variance. The Planning Board recommends Approval of the application for a time extension. The Planning Board feels that the applicant presented a valid reason for the delay of the project. However, the Planning Board would like to remind the Zoning Board that this is the second time extension of this application that was originally approved on March 7, 2006.**

**Motion made by Member Halmi to grant a one year extension of**

**decision to expire May 6, 2009. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Jennifer Gardener/Jason North, 167 Central Street, Manville, RI – Special Use Permit application to convert two family residential unit to a three family residential unit.**

**AP 37, Lot 175 Zoned: RG 7**

**This application was continued at the April meeting so applicant could return and provide the Board with front elevations of the building. Applicant submitted photos to the Board depicting the neighborhood. Original photos are in the possession of Chairman Arsenault. Member Rao asked what was the square footage of the existing house. Applicant replied 1,386 sq.ft with an additional 832 sq.ft once addition is completed. The existing driveway holds 4 cars and the proposed additional driveway will accommodate 4 additional vehicles for a total of 8 parking spaces at the site. Front of the addition sits back 25 feet of the street. Existing structure sits 8-10 feet back. Once completed, the house will be L-shaped with doors exiting into the back yard. Spotlights will be on the side of the house but will not be intrusive.**

**Chairman Arsenault read into the record Planning Board recommendations:**

**Members of the Technical Review Committee visited the site and reviewed the submitted site plans and application. Based on the**

submitted plans, the Planning Board feels that the applicant has successfully addressed all of the requirements of a special use permit. This application was continued from the April Zoning Board meeting. The applicant submitted a new building elevation and pictures which were reviewed by the Technical Review Committee and the Planning Board. Based on the original and additional submission, the Planning Board feels that this plan represents good land development and recommends Approval of this special use permit. The Planning Board feels that granting this special use permit will not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

No opposition present.

Motion made by Member Gobeille to approve the application stating:

- That the Special Use is specifically authorized under this Ordinance
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use
- That the granting of the Special Use will not alter the general character of the surrounding area
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan

Motion seconded by Member Karampetsos. Motion carried with a 5-0 vote.

**Enrico & Tracy DiGregorio, 23 Business Park Drive, Smithfield, RI – Dimensional Variance application seeking height relief from 35 feet to 56 feet for the construction of a single family residence on property located on Paddock Drive, Lincoln, RI.**

**AP 42, Lots 228 Zoned: RA 40**

**Represented by: Timothy Dodd, Esquire, 215 Broadway, Providence, RI**

**Member Karampetsos is an abutter and recused herself. Member Russo sat with full privileges.**

**Attorney stated applicant is currently working with an architect to address scale of the house and revisions at not yet completed. Would like to request a continuance of the application to the August agenda to give Planning Board time to review new plans.**

**Motion made by Member Russo to continue the application to the August agenda. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Estate of Dalphne A. Jaworski, c/o James A. Briden, Esquire, 150 Main Street, Pawtucket. RI – Dimensional Variance application for lot width relief for property located at 46 Boulevard Avenue, Lincoln, RI.**

**AP 10, Lot 88 Zoned: RL 9**

**Represented by: James Briden, Esquire**

**Applicant is seeking 15 foot front lot width relief variance.**

**Chairman Arsenault read into the record standards that need to be met for a Dimensional Variance.**

**Applicant appeared before this Board on September 5, 2005 on a Dimensional Variance application seeking same relief as tonight but was denied. He has 60 foot lot width but town requires 75 feet. Lot size is 10,800 sq.ft.**

**Submitted into the record as Exhibit #1 Decision rendered by the Superior Court which was filed on May 19, 2006.**

**Witness:**

**Robert Jaworski, 12 Boulevard Avenue, Lincoln, RI**

**He appeared before this Board at the September 6, 2005 meeting. This property was owned by his mother when the application was heard in 2005. Existing house sits on lots 87 and 88 dating back to 1953. House is in poor condition and needs to be demolished. Applicant has a pending purchase and sale agreement to sell lot 88 and new owner plans to tear down the house and build new home. Lot 88 is a legal lot of record. Applicant presented the Board with an original drawing depicting the old lots 50+ years ago. Lots have been taxed as separate lots since 1953. If the purchase and sale**

agreement does not go through, it is still his intention to demolish the existing house and build on lot 88. Hardship is due to the unique character of the property and uniquely shaped lot. The lot has more square footage than is required except for the 15 feet lot width he is requesting. Proposed new house would be compatible with other homes in the area and without the relief he cannot build. Applicant has been trying to sell the property for over one year. Has no interest other than building a house on the lot. Existing house straddles both lots but sits mostly on lot 87. Lot 87 is a legal lot with no dimensional issues. Existing house is vacant and demolition papers are ready for filing.

#### **Witness**

**Oliver Perry, 1674 Louisquisset Pike, Lincoln, RI**

He has signed a purchase and sale agreement for lot 88 which is contingent upon approval of this application. If approved, he intends to purchase lot 87 and 88, raze the existing house and build a new single family home which he will occupy. It is his intention to build a house on the second lot for sale. Property slopes behind the lot but it is his intention to work with an architect to build a retaining wall with access to a pond behind the property.

**Chairman Arsenault read into the record Planning Board recommendation:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed**

**dimensional variance of the lot width is to clear up the pre-existing nonconformance of this parcel of land. This record lot was platted before present day zoning regulations. The Planning Board recommends Approval of this application. The Planning Board finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**

**In Favor:**

**Charles Bishop, 30 Walker Avenue, Lincoln, RI**

**He drives by the property every day and asks about the house. Feels it is a great idea to demolish the house and replace with new single family homes.**

**No opposition present. Time frame for demolition is 30 days from end of the appeal period if granted.**

**Motion made by Member Halmi to approve application for 15 foot front lot width relief as measured from front setbackstating with a condition that existing house be torn down thirty days from the end of the appeal period. She further stated:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant**



**and does not result primarily from the desire of the applicant to realize greater financial gain.**

- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property**

**Motion seconded by Member Karampetsos. Motion carried with a 5-0 vote.**

**Chairman Arsenault asked that election of officers be held at the June meeting as his term expires November 2008.**

**Board voted 5-0 that the July meeting be moved from July 1st to July 8th. Russell Hervieux, Zoning Official will inform applicants.**

**Motion to adjourn made by Member Halmi and seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Respectfully submitted,**

**Ghislaine D. Therien**

**Zoning Board Recording Secretary**